

## PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

*Industrial Workers of the World* IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Galveston DIVISION

United States Courts  
Southern District of Texas  
FILED

FEB 11 2022

JULIO A. ZUNIGA - (DELEGATE) X386969 / #1961551  
Plaintiff's Name and ID Number

59 DARRINGTON RD.  
MEMORIAL UNIT - ROSSBORO, TEXAS 77583  
Place of Confinement

Nathan Ochsner, Clerk of Court

TEXAS BOARD OF CRIMINAL JUSTICE  
CHIEF - PATRICK O' DANIEL  
v. DIRECTOR - BOBBY LUMPKIN

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

EXEC. DIRECTOR - BRYAN COLLIER  
Defendant's Name and Address

MSPL - TAMMY SHELBY  
Defendant's Name and Address

SCFO - GUISTINA PERSICH  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

## INSTRUCTIONS - READ CAREFULLY

## NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: April 21st, 2021
  2. Parties to previous lawsuit:
 

Plaintiff(s) JULIO ZUNIGA #1961551

Defendant(s) BRUCE ARMSTRONG, ANGELA CHEVALIER
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

## II. PLACE OF PRESENT CONFINEMENT:

MEMORIAL UNIT

## III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

X YES \_\_\_ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

## IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: JULIO ZUWIGA, JAVIER MARTINEZ, JEREMY LEE, SAUL CHAVEZ,JAMON HESTAND, STEPHEN CURTIS, CHRISTOPHER YATES, CHAD MOORE, BASIL AZUA, KYLE POPE, KENTRELL BUTLER, WILBUR MOLINA, ENRIQUE ALARCON, JULIO PADILLA, MARIO PARRO, MARK ZIMMERMAN - 59 DARRINGTON RD, ROSHARON, TEXAS 77583

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

TEXAS BOARD OF CRIMINAL JUSTICE - CHIEFDefendant #1: PATRICK O'DANIEL, whether or not TDCJ/TBCJ agrees with our anarchist views or unionization, discrimination on religious, social, or political is unlawful.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

creating retaliative policy on unionized prisoner @ Memorial and statewide out of malice, deliberate indifference, discrimination, - that violate constitutional lawsDefendant #2: Bobby Lumpkin - ENFORCING AND CONSPIRING TO VIOLENTLY SUPPRESS IWW-IWOC "STATEWIDE, BY "USE OF FORCE" - "MAILROOM POLICY VIOLATIONS" - "RETALIATORY ACTION AGAINST IWW"

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

DELIBERATE INDIFFERENCE, MALICE, IRREPARABLE HARM, FREE SPEECH CLAUSE OF FIRST AMENDMENT - PRISON LABOR UNION UNDER ATTACK BY TDCJ/TBCJDefendant #3: BRYAN COLLIER - IWW-IWOC FREE SPEECH/EXPRESSION RETALIATION AND DISCRIMINATION - CONSPIRING TO ENFORCE ASSAULT, DENY ACCESS TO COURTS, GRIEVANCE.

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

"DELIBERATE INDIFFERENCE" - "MALICE" - "DISCRIMINATION/RETALIATION" - PRISONERS LABOR UNION IS UNDER ATTACK BY TOP ECHELON OF TDCJ/TBCJDefendant #4: MSPC - Tammy Shelby - IWW-IWOC MEMBER RETALIATION ON MEDIA MAIL/DISCRIMINATION ON IWW-IWOC COMMUNICATION, ANARCHIST BELIEF-LITIGATION

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

FREE SPEECH CLAUSE OF FIRST AMENDMENT ON IWW-IWOC IN TEXAS PRISON'S... FOR 2 YRS RUNNING - "DELIBERATE INDIFFERENCE" - "MALICE" - "DISCRIMINATION/RETALIATION"Defendant #5: STATE COUNSEL FOR OFFENDERS - GUISTING PERSICH LIMITING OFFENDER'S / DEBILITATING OFFENDER'S HABEAS CORPUS INFORMATION AND ACCESS TO COURTS.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

STATEWIDE DISCRIMINATION/RETALIATION ON IWW-IWOC MEMBER'S WRITERS/LEGAL AID'S, - VIOLATING LEGAL MAIL BY ILLEGALLY OPENING AND PHOTO COPYING IWW-IWOC MEMBER'S MAIL, FOR ESPIONAGE IN TDCJ/TBCJ, RETALIATION ON "MEDIA MAIL", - DISCRIMINATING ON IWW-IWOC MEMBER'S STATEWIDE, AND PRISONER'S IN GENERAL.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

1/24/22

MSPC violated FREE SPEECH clause of First Amendment, by ATTEMPTING to STOP COMMUNICATION AND EXPRESSION OF ANARCHIST BELIEFS to INDUSTRIAL WORKER-MEDIA, BY CALLING IT A SECURITY RISK (MILITARY SUPERVISOR STATED - ALEXANDRIA FORD) CONJURING UP FALSE PRETEXT TO HINDER "IWW-1WOC LOCAL 613 #1" MEMBERS' WILL, FOR 2 YRS NOW, IWW-1WOC MEMBERS HAVE BEEN UNDER HEAVY REPRESSION FOR SPEAKING OUT TO ENVIRONMENTAL PROTECTION AGENCY, TEXAS PRISON REFORM.COM/MONGOOSE DISTRO.COM/STATE REPS, DOJ, BOP, US DISTRICT COURT. WE ARE ENTITLED TO VOICE OUR VIEWS AGAINST TEXAS TRADITIONAL SLAVERY, AND CRUEL AND UNUSUAL PUNISHMENT SUCH AS DRINKING-WATER POISONING, NO AIR CONDITION FOR WORKERS LIVING AREAS, HEATING, NO GOVERNMENT HAS POWER TO RESTRICT EXPRESSION BECAUSE OF ITS MESSAGE, ITS IDEAS, IT'S SUBJECT MATTER, OR ITS CONTENT, SUCH AS: SUICIDE, DRUG INTRODUCTION TEAMS, NO WAGES FOR WORKERS, SUPPRESSION OF LEGAL MATERIAL, AND PHOTOS OR CARDS FROM WIVES.

## VI. RELIEF: SUPPRESSION OF LEGAL MATERIAL, AND PHOTOS OR CARDS FROM WIVES.

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PUNITIVE DAMAGES, Nominal and Compensatory damages, Suing defendants in the Individual, Personal, and Official Capacity

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Industrial Workers of the World - Incarcerated Workers Organisation Committee - IUB 613 #1

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

Industrial Workers of the World - Membership # X386969

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO ☐

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES X NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 1/1/22  
DATE

*Industrial Workers of the World - Incarcerated  
WORKERS ORGANISING COMMITTEE (DELEGATE) X386969*

*Julio A. Zuniga #1961551*

*Julio A. Zuniga*  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 1st day of January, 20 22.  
(Day) (month) (year)

*Industrial Workers of the World - Incarcerated*

*WORKERS ORGANISING COMMITTEE  
LOCAL 613 #1 (DELEGATE)  
X386969*

*Julio A. Zuniga*

*Julio A. Zuniga*  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**